

THURSDAY, APRIL 22, 2004
EIGHTY-THIRD LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 10:30 a.m., and was called to order by Mr. Speaker Wilder.

PRAYER

The proceedings were opened with prayer by Reverend Herbert Johnson of Greater First Baptist Church in Lewisburg, Tennessee, a guest of Senator Ketron.

PLEDGE OF ALLEGIANCE

Senator Burchett led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present32

Senators present were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

STANDING COMMITTEE REPORTS

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 1337 with amendments, 2106, 2207, 2391, 2408, 2443, 2657, 2865, 3099, 3105, 3106, 3151, 3177, 3200, 3242 with amendment, 3359, 3360 and 3397 with amendment; and Senate Joint Resolution No. 71 with amendments.

HENRY, Chairperson
April 20, 2004

The Speaker announced that he had referred Senate Bills Nos. 1337 with amendments, 2106, 2207, 2391, 2408, 2443, 2657, 2865, 3099, 3105, 3106, 3151, 3177, 3200, 3242 with amendment, 3359, 3360 and 3397 with amendment; and Senate Joint Resolution No. 71 with amendments to Committee on Calendar.

COMMERCE, LABOR AND AGRICULTURE

MR. SPEAKER: Your Committee on Commerce, Labor and Agriculture begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 1306 with amendment, 2897 with amendment, 3287 with amendment, 3468 with amendment and 3496.

COOPER, Chairperson
April 20, 2004

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The Speaker announced that he had referred Senate Bills Nos. 1306 with amendment, 2897 with amendment, 3287 with amendment, 3468 with amendment and 3496 to Committee on Calendar.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 243 with amendment, 3120, 3197, 3226 with amendment and 3316 with amendment; also, recommend that Senate Bills Nos. 525 with amendment, 3028 and 3057 with amendment; and Senate Joint Resolution No. 800 be referred to Committee on Finance, Ways and Means.

PERSON, Chairperson
April 20, 2004

The Speaker announced that he had referred Senate Bills Nos. 243 with amendment, 3120, 3197, 3226 with amendment and 3316 with amendment to Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 525 with amendment, 3028 and 3057 with amendment; and Senate Joint Resolution No. 800 to Committee on Finance, Ways and Means.

EDUCATION

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2242 and 2796.

McNALLY, Chairperson
April 21, 2004

The Speaker announced that he had referred Senate Bills Nos. 2242 and 2796 to Committee on Calendar.

GENERAL WELFARE, HEALTH AND HUMAN RESOURCES

MR. SPEAKER: Your Committee on General Welfare, Health and Human Resources begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2223 with amendment, 2238, 2364 with amendments, 2458 with amendment, 2505 with amendments, 2840 with amendments, 2842, 2846 with amendments, 2868 with amendment, 3235 with amendments and 3285; also, recommend that Senate Bills Nos. 2505 and 2842 be referred to Committee on Finance, Ways and Means.

FORD, Chairperson
April 21, 2004

The Speaker announced that he had referred Senate Bills Nos. 2223 with amendment, 2238, 2364 with amendments, 2458 with amendment, 2505 with amendments, 2840 with amendments, 2842, 2846 with amendments, 2868 with amendment, 3235 with amendments and 3285 to Committee on Calendar.

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The Speaker announced that he had referred Senate Bills Nos. 2505 and 2842 to Committee on Finance, Ways and Means.

GOVERNMENT OPERATIONS

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 2560; also, recommend that Senate Bill No. 319 be referred to Committee on State and Local Government.

HARPER, Chairperson
April 21, 2004

The Speaker announced that he had referred Senate Bill No. 2560 to Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 319 to Committee on State and Local Government.

COMMERCE, LABOR AND AGRICULTURE

MR. SPEAKER: Your Committee on Commerce, Labor and Agriculture begs leave to report that we have carefully considered and recommend that Senate Bills Nos. 3392 with amendments and 3394 with amendment be referred to Committee on Finance, Ways and Means.

COOPER, Chairperson
April 22, 2004

The Speaker announced that he had referred Senate Bills Nos. 3392 with amendments and 3394 with amendment to Committee on Finance, Ways and Means.

INTRODUCTION OF BILL

The Speaker announced that the following bill was filed for introduction and passed first consideration:

Senate Bill No. 3501 by Senator Clabough.

Alcoa -- Subject to local approval, requires that board of education members be elected at-large instead of from districts. Amends Chapter 510 of the Private Acts of 1919; as amended.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 164 -- Criminal Offenses -- Creates Class C misdemeanor offense of employer knowingly failing or refusing to make employee available for lawful service of process. Amends TCA Title 39, Chapter 16, Part 6.

House Bill No. 2517 -- Charitable Solicitations -- Conforms Do Not Call exemption to FTC telemarketing sales rule with respect to 501(c) organizations by including communications made on

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behalf of such organization as well as made by a member, volunteer, or direct employee of the organization. Amends TCA Section 65-4-401.

House Bill No. 2656 -- Public Health -- Requires schools to inform parents of need for vision and dental screenings when immunization forms indicate such needs. Amends TCA Title 49, Chapter 6, Part 50 and Title 63.

House Bill No. 2781 -- Boards and Commissions -- Authorizes private probation services council to establish fees sufficient to pay annual expenses and assess civil penalty per violation of statute, rule or order enforceable by council after UAPA hearing. Amends TCA Title 16, Chapter 3, Part 9.

House Bill No. 2845 -- Children's Services, Dept. of -- Prohibits judicial branch employee from contracting with department for services. Amends TCA Title 37, Chapter 5.

House Bill No. 2889 -- Tort Liability -- Prohibits claims being brought under False Claims Act if action based upon employment decisions made by elected official, governing body or political subdivision or municipality or if the state or political subdivision that is the subject of the false claim has undertaken an action to recover wrongfully paid funds. Amends TCA Section 4-18-104.

House Bill No. 3338 -- Education, Higher -- Promotes financial accountability in higher education administration. Amends TCA Title 49, Chapter 7.

House Bill No. 3346 -- Medical Occupations -- Revises requirements for a podiatrist to perform surgery on an ankle. Amends TCA Section 63-3-101.

House Bill No. 3363 -- Correctional Programs -- Adds public easements and alongside public waterways to list of places counties can permit misdemeanor workhouse or jail prisoners to work for reduction credits. Amends TCA Section 41-2-123.

House Bill No. 3495 -- Parks, Natural Areas Preservation -- Allows Commissioner of Environment and Conservation to purchase services for state park operations without approval of any other state agency. Amends TCA Section 11-3-112.

SENATE BILL ON SECOND CONSIDERATION

The Speaker announced that the following bill passed second consideration and was referred to the appropriate committee:

Senate Bill No. 3500 held on desk.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 1013 by Senator Crowe.
Memorials, Heroism -- Corporal Josh Samuels, United States Marine Corps.

Senate Joint Resolution No. 1014 by Senator Crowe.
Memorials, Heroism -- Members of the United States Armed Services.

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Senate Joint Resolution No. 1015 by Senator Clabough.

Memorials, Death -- Inez Burns.

Senate Joint Resolution No. 1016 by Senator Haynes.

Memorials, Public Service -- General Federation of Women's Clubs.

Senate Joint Resolution No. 1017 by Senator Haynes.

Memorials, Recognition -- City of Goodlettsville, 150th anniversary.

Senate Joint Resolution No. 1018 by Senator Haynes.

Memorials, Retirement -- Dr. William F. Ruhl, President of Goodpasture Christian School.

Senate Joint Resolution No. 1019 by Senator Kyle.

Memorials, Personal Achievement -- Karl Kosman, Eagle Scout.

Senate Joint Resolution No. 1020 by Senator Crowe.

Memorials, Recognition -- Chief Master Sergeant Sara A. Sellers, USAF, Retired.

Senate Joint Resolution No. 1021 by Senators Ford and Crutchfield.

General Assembly, Confirmation of Appointment -- Sharon R. Thompson, State Board of Education.

Senate Joint Resolution No. 1022 by Senator Herron.

Memorials, Recognition -- Blake Campbell.

Senate Joint Resolution No. 1023 by Senators Burchett and Atchley.

Memorials, Interns -- Gregory Tapocsi.

Senate Resolution No. 197 by Senator Kurita.

Memorials, Death -- Frank Glenmore Downs.

Senate Resolution No. 198 by Senator Cohen.

Memorials, Death -- Andrew Fox.

Senate Resolution No. 199 by Senator Dixon.

Memorials, Interns -- Amy Murillo.

Senate Resolution No. 200 by Senator Dixon.

Memorials, Academic Achievement -- Clara Huddleston, Salutatorian, Ridgeway High School.

Senate Resolution No. 201 by Senator Dixon.

Memorials, Academic Achievement -- Victoria S. Norris, Valedictorian, Kirby High School.

Senate Resolution No. 202 by Senator Dixon.

Memorials, Academic Achievement -- Kaharah C. King, Salutatorian, Kirby High School.

Senate Resolution No. 203 by Senator Haynes.

Memorials, Public Service -- General Federation of Women's Clubs.

RESOLUTIONS LYING OVER

House Joint Resolution No. 816 -- General Assembly, Studies -- Authorizes and encourages the governor, the Department of Correction and the board of pardons and paroles to

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jointly study the feasibility of utilizing global positioning system (GPS) technology in order to improve

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the efficiency and effectiveness of the state's various correctional programs and services; subject to certain conditions, authorizes a limited demonstration project.

The Speaker announced that he had referred House Joint Resolution No. 816 to Committee on State and Local Government.

House Joint Resolution No. 926 -- Highway Signs -- "Leon 'Pete' Turnbow Memorial Bridge", Bingham Creek on S.R. 69 in Hardin County.

The Speaker announced that he had referred House Joint Resolution No. 926 to Committee on Transportation.

House Joint Resolution No. 966 -- Naming and Designating -- Margaret "Maggi" Britton Vaughn, Poet Laureate of Tennessee.

The Speaker announced that he had referred House Joint Resolution No. 966 to Committee on State and Local Government.

House Joint Resolution No. 1071 -- Naming and Designating -- Tennessee Osteoporosis Prevention Month, May 2004.

The Speaker announced that he had referred House Joint Resolution No. 1071 to Committee on State and Local Government.

House Joint Resolution No. 1082 -- Memorials, Interns -- Joanna Kendall.

The Speaker announced that he had referred House Joint Resolution No. 1082 to Committee on Calendar.

House Joint Resolution No. 1083 -- Memorials, Recognition -- Dr. Penny B. Ferguson.

The Speaker announced that he had referred House Joint Resolution No. 1083 to Committee on Calendar.

House Joint Resolution No. 1085 -- Memorials, Academic Achievement -- Scott Allen Pack, Valedictorian, Cannon County High School.

The Speaker announced that he had referred House Joint Resolution No. 1085 to Committee on Calendar.

House Joint Resolution No. 1086 -- Memorials, Academic Achievement -- Patrick William Jennings, Salutatorian, Cannon County High School.

The Speaker announced that he had referred House Joint Resolution No. 1086 to Committee on Calendar.

House Joint Resolution No. 1089 -- Memorials, Personal Achievement -- Johnny Clyde Berry, 100th birthday.

The Speaker announced that he had referred House Joint Resolution No. 1089 to Committee on Calendar.

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House Joint Resolution No. 1090 -- Memorials, Congratulations -- George and Emily Kemmer, Friends of Farming.

The Speaker announced that he had referred House Joint Resolution No. 1090 to Committee on Calendar.

House Joint Resolution No. 1091 -- Memorials, Recognition -- Civil War Preservation Trust and President O. James Lighthizer.

The Speaker announced that he had referred House Joint Resolution No. 1091 to Committee on Calendar.

House Joint Resolution No. 1092 -- Memorials, Academic Achievement -- Nicole Lee Davidson, Salutatorian, Wilson Central High School.

The Speaker announced that he had referred House Joint Resolution No. 1092 to Committee on Calendar.

House Joint Resolution No. 1093 -- Memorials, Academic Achievement -- Grace Fallin, Valedictorian, Mt. Juliet Christian Academy.

The Speaker announced that he had referred House Joint Resolution No. 1093 to Committee on Calendar.

House Joint Resolution No. 1094 -- Memorials, Academic Achievement -- Kimberly Overstreet, Valedictorian, Mt. Juliet Christian Academy.

The Speaker announced that he had referred House Joint Resolution No. 1094 to Committee on Calendar.

House Joint Resolution No. 1095 -- Memorials, Academic Achievement -- Amanda McCarty, Salutatorian, Mt. Juliet Christian Academy.

The Speaker announced that he had referred House Joint Resolution No. 1095 to Committee on Calendar.

House Joint Resolution No. 1096 -- Memorials, Academic Achievement -- Russell Hunter Yearwood, Valedictorian, Wilson Central High School.

The Speaker announced that he had referred House Joint Resolution No. 1096 to Committee on Calendar.

House Joint Resolution No. 1097 -- Memorials, Academic Achievement -- Jessica Lynn Lotz, Salutatorian, Bartlett High School.

The Speaker announced that he had referred House Joint Resolution No. 1097 to Committee on Calendar.

House Joint Resolution No. 1098 -- Memorials, Academic Achievement -- Ryan Dagen, Valedictorian, Millington High School.

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The Speaker announced that he had referred House Joint Resolution No. 1098 to Committee on Calendar.

House Joint Resolution No. 1099 -- Memorials, Academic Achievement -- Jennifer Tichenor, Salutatorian, Millington High School.

The Speaker announced that he had referred House Joint Resolution No. 1099 to Committee on Calendar.

House Joint Resolution No. 1100 -- Memorials, Academic Achievement -- Laura E. Encalade, Valedictorian, Bolton High School.

The Speaker announced that he had referred House Joint Resolution No. 1100 to Committee on Calendar.

House Joint Resolution No. 1101 -- Memorials, Academic Achievement -- Melissa Joyce Gould, Salutatorian, Bolton High School.

The Speaker announced that he had referred House Joint Resolution No. 1101 to Committee on Calendar.

House Joint Resolution No. 1102 -- Memorials, Academic Achievement -- Luke Archer Knox, Valedictorian, Bartlett High School.

The Speaker announced that he had referred House Joint Resolution No. 1102 to Committee on Calendar.

House Joint Resolution No. 1103 -- Memorials, Retirement -- Barbara Landrum.

The Speaker announced that he had referred House Joint Resolution No. 1103 to Committee on Calendar.

House Joint Resolution No. 1104 -- Memorials, Retirement -- Chief Don Claiborne, Franklin Fire Department.

The Speaker announced that he had referred House Joint Resolution No. 1104 to Committee on Calendar.

House Joint Resolution No. 1113 -- Memorials, Retirement -- Martha Scarbrough.

The Speaker announced that he had referred House Joint Resolution No. 1113 to Committee on Calendar.

Senate Joint Resolution No. 985 -- Memorials, Academic Achievement -- Matthew Lipkowitz, Salutatorian, Heritage High School.

The Speaker announced that he had referred Senate Joint Resolution No. 985 to Committee on Calendar.

Senate Joint Resolution No. 986 -- Memorials, Academic Achievement -- Dustin Merritt, Valedictorian, Heritage High School.

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The Speaker announced that he had referred Senate Joint Resolution No. 986 to Committee on Calendar.

Senate Joint Resolution No. 987 -- Memorials, Academic Achievement -- Jessica Woods, Salutatorian, Maryville High School.

The Speaker announced that he had referred Senate Joint Resolution No. 987 to Committee on Calendar.

Senate Joint Resolution No. 988 -- Memorials, Academic Achievement -- Kimberly Roe, Valedictorian, Maryville High School.

The Speaker announced that he had referred Senate Joint Resolution No. 988 to Committee on Calendar.

Senate Joint Resolution No. 989 -- Memorials, Academic Achievement -- Alexander Kane, Salutatorian, Maryville High School.

The Speaker announced that he had referred Senate Joint Resolution No. 989 to Committee on Calendar.

Senate Joint Resolution No. 990 -- Memorials, Recognition -- Coulter Florists.

The Speaker announced that he had referred Senate Joint Resolution No. 990 to Committee on Calendar.

Senate Joint Resolution No. 991 -- Memorials, Sports -- Shelbyville Central High School Golden Eaglettes, 2004 Class AAA State Champions.

The Speaker announced that he had referred Senate Joint Resolution No. 991 to Committee on Calendar.

Senate Joint Resolution No. 992 -- Memorials, Sports -- Franklin Road Christian School girls' basketball team, 2004 TAACS champions.

The Speaker announced that he had referred Senate Joint Resolution No. 992 to Committee on Calendar.

Senate Joint Resolution No. 994 -- Memorials, Retirement -- Marilyn Wray.

The Speaker announced that he had referred Senate Joint Resolution No. 994 to Committee on Calendar.

Senate Joint Resolution No. 996 -- Memorials, Government Officials -- Directs Tennessee Education Lottery Corporation to implement plan for Tennessee Lottery to participate in AMBER ALERT network via on-line lottery ticket terminals and other appropriate media and technology.

The Speaker announced that he had referred Senate Joint Resolution No. 996 to Committee on State and Local Government.

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Senate Joint Resolution No. 997 -- Memorials, Personal Achievement -- Joseph "Corky" Coker, 2004 Meguiar's Award for Collector Car Person of the Year.

The Speaker announced that he had referred Senate Joint Resolution No. 997 to Committee on Calendar.

Senate Joint Resolution No. 998 -- Memorials, Recognition -- The Men of Tomorrow Program.

The Speaker announced that he had referred Senate Joint Resolution No. 998 to Committee on Calendar.

Senate Joint Resolution No. 999 -- Memorials, Academic Achievement -- Shelly Ann Wood, Salutatorian, White House Heritage High School.

The Speaker announced that he had referred Senate Joint Resolution No. 999 to Committee on Calendar.

Senate Joint Resolution No. 1000 -- Memorials, Academic Achievement -- Cheryl Marie Jones, Valedictorian, White House Heritage High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1000 to Committee on Calendar.

Senate Joint Resolution No. 1001 -- Memorials, Academic Achievement -- Mark Tillman, Jr., Salutatorian, Jo Byrns High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1001 to Committee on Calendar.

Senate Joint Resolution No. 1002 -- Memorials, Academic Achievement -- Cathy Parish, Valedictorian, Jo Byrns High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1002 to Committee on Calendar.

Senate Joint Resolution No. 1003 -- Memorials, Interns -- Chase Johnson.

The Speaker announced that he had referred Senate Joint Resolution No. 1003 to Committee on Calendar.

Senate Joint Resolution No. 1004 -- General Assembly, Directed Studies -- Urges the BEP Review Committee to study the TACIR Index and other components of the BEP formula related to at-risk students and English Language Learners.

The Speaker announced that he had referred Senate Joint Resolution No. 1004 to Committee on Education.

Senate Joint Resolution No. 1005 -- Memorials, Sports -- Patrick Forrest Powell, 2003 Collegiate National Pistol Champion.

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The Speaker announced that he had referred Senate Joint Resolution No. 1005 to Committee on Calendar.

Senate Joint Resolution No. 1006 -- Memorials, Academic Achievement -- Andrea Lynn Betesh, Valedictorian, Ridgeway High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1006 to Committee on Calendar.

Senate Joint Resolution No. 1007 -- Memorials, Retirement -- Mary Alyce Haynes Clay.

The Speaker announced that he had referred Senate Joint Resolution No. 1007 to Committee on Calendar.

Senate Joint Resolution No. 1008 -- Memorials, Academic Achievement -- Khalid Hasan Usmani, Valedictorian, Cragmont High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1008 to Committee on Calendar.

Senate Joint Resolution No. 1009 -- Memorials, Academic Achievement -- Teri Ann Kirby, Salutatorian, Cragmont High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1009 to Committee on Calendar.

Senate Joint Resolution No. 1010 -- Memorials, Academic Achievement -- Sovanchampa Yos, Salutatorian, Raleigh Egypt High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1010 to Committee on Calendar.

Senate Joint Resolution No. 1011 -- Memorials, Academic Achievement -- Charles Ray Burnett, Jr., Valedictorian, Raleigh Egypt High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1011 to Committee on Calendar.

Senate Joint Resolution No. 1012 -- Memorials, Academic Achievement -- Claire Elizabeth Huddleston, Valedictorian, Ridgeway High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1012 to Committee on Calendar.

Senate Resolution No. 195 -- Memorials, Academic Achievement -- Todd Alan Wright, Salutatorian, Rockwood High School.

The Speaker announced that he had referred Senate Resolution No. 195 to Committee on Calendar.

Senate Resolution No. 196 -- Memorials, Academic Achievement -- Rebekah Jody Miller, Valedictorian, Rockwood High School.

The Speaker announced that he had referred Senate Resolution No. 196 to Committee on Calendar.

MOTION

Senator Cohen moved that Rule 83(8) be suspended for the purpose of placing **House Joint Resolution No. 966** on the calendar for the Committee on State and Local Government for Tuesday, April 27, 2004, which motion prevailed.

MOTION

Senator Haynes moved that the rules be suspended for the immediate consideration of **Senate Resolution No. 203**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Resolution No. 203 -- Memorials, Public Service -- General Federation of Women's Clubs.

On motion of Senator Haynes, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Resolution No. 203** was adopted by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

MOTION

Senator Person moved that Rule 83(8) be suspended for the purpose of placing **Senate Joint Resolution No. 887** on the calendar for the Committee on Judiciary for Tuesday, April 27, 2004, which motion prevailed.

MOTION

Senator Kurita moved that the rules be suspended for the immediate consideration of **Senate Resolution No. 197**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Resolution No. 197 -- Memorials, Death -- Frank Glenmore Downs.

On motion of Senator Kurita, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Resolution No. 197** was adopted.

A motion to reconsider was tabled.

MOTION

Senator Cohen moved that Rule 83(8) be suspended for the purpose of placing **House Joint Resolution No. 1071** on the calendar for the Committee on State and Local Government for Tuesday, April 27, 2004, which motion prevailed.

MOTION

Senator Henry moved that Rule 83(8) be suspended for the purpose of placing **Senate Bills Nos. 3392 and 3394** on the calendar for the Committee on Finance, Ways and Means for Tuesday, April 27, 2004, which motion prevailed.

PROPOSED AMENDMENT TO RULES OF ORDER

Senator Kyle proposed the following amendments to the Rules of Order.

Rules 76, 37 and 39 be amended as underlined

76. SELECT COMMITTEES.

(1) There shall be a Committee on Calendar to be composed of a Chairman to be appointed by the Speaker from its members and the majority and minority floor leaders. The Committee on Calendar shall set the calendar and receive reports from the Secretary of State.

The Committee on Calendar shall only act as a scheduling committee and shall not engage in the determination of the merits of a bill, resolution or report and shall schedule every bill, resolution or report for Senate action during that session.

Ceremonies and Special Presentations during the regular order of business shall first be scheduled by the Committee on Calendar and shall be completed within the time allotted by the Committee on Calendar.

37. SETTING THE CALENDAR.

Any bills, having been considered and reported out of the Committee to which referred, shall be referred to the Committee on Calendar, and no bill of a general nature nor report shall be considered for third and final passage until a written calendar, from the Committee on Calendar, giving notice of such bill or report, has been posted in designated places and delivered to each Senator's legislative office before two (2) o'clock p.m. at least two (2) calendar days prior to such consideration.

The Committee on Calendar shall schedule on the calendar for final consideration such number of general bills as it deems appropriate.

Should the Senate not complete any day's calendar, the bills remaining unconsidered shall go to the top of the calendar on the next day that general bills are considered.

39. SENATE AMENDMENTS. The following shall apply to amendments offered by members of the Senate:

1. Notice of the proposed amendment or amendment to an amendment has been given by two (2) o'clock p.m. of the day prior to its consideration by the Senate; with the exception of amendments to Monday's calendar may be accepted until 12:00 noon on the day of consideration. A copy of the proposed amendment shall be placed on the desk of each member of the Senate; or

2. The amendment has been considered by the standing committee which considered the bill itself, and the Committee has made a recommendation concerning the adoption of the amendment in the same manner that the Committee made its recommendation concerning the passage of the bill, a copy of said amendment shall be placed on each member's desk in the Senate prior to a vote on same; or

3. By a two-thirds (2/3) vote, of the members present and registering on the roll call system, for adoption of the amendment if there has not been compliance with either 1. or 2. above or for adoption of an amendment to a report filed by the Secretary of State.

The above rule shall not apply to amendments correcting grammatical or typographical errors, those simply changing dates or the effective date clause, or amendments offered on the last day of any general session.

/s/ Senator Jim Kyle
Chairman, Committee on Rules
April 21, 2004

Senator Kyle moved to adopt the proposed amendments to the Rules of Order, which motion failed by the following vote:

Ayes	21
Noes	9
Present, not voting . . .	2

Senators voting aye were: Atchley, Burchett, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Kilby, Kurita, Kyle, McNally, Norris, Person, Ramsey, Trail, Williams and Mr. Speaker Wilder--21.

Senators voting no were: Bryson, Burks, Crowe, Fowler, Herron, Ketron, McLeary, Miller and Southerland--9.

Senators present and not voting were: Henry and Jackson--2.

MOTION

Senator Kyle moved that the Speaker appoint an ad hoc committee for the purpose of reviewing the Rules of Order and recommending amendments to the Rules of Order for consideration of reports filed by the Secretary of State, which motion prevailed.

**APPOINTMENT OF AD HOC COMMITTEE
TO REVIEW
THE RULES OF ORDER**

The Speaker announced the appointment of a subcommittee composed of Senators Bryson, Chairperson; Burks, Crowe, Fowler, Herron, Ketron, McLeary, Miller and Southerland for the purpose of reviewing the Rules of Order and recommending amendments for consideration of reports filed by the Secretary of State.

NOTICES

Pursuant to Rule 44, notice was given that the following bills were returned from the House of Representatives amended. Under the rule, the bills lie over.

MESSAGE FROM THE HOUSE

April 21, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2162, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 21, 2004

MR. SPEAKER: I am directed to return Senate Bill No. 2432, as requested.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 21, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2524, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 21, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2596, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 21, 2004

MR. SPEAKER: I am directed to return Senate Bill No. 3029. The House refused to recede from its action in adopting House Amendment No. 3.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 21, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3340, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 21, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3403, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 22, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3400, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MOTION

Senator Clabough moved that the rules be suspended for the immediate consideration of **House Joint Resolution No. 1089**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 1089 -- Memorials, Personal Achievement -- Johnny Clyde Berry, 100th birthday.

On motion of Senator Clabough, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 1089** was concurred in.

A motion to reconsider was tabled.

MOTION

Senator Cooper moved that the rules be suspended for the immediate consideration of **House Joint Resolution No. 1113**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 1113 -- Memorials, Retirement -- Martha Scarbrough.

On motion of Senator Cooper, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 1113** was concurred in.

A motion to reconsider was tabled.

MOTION

Senator Crowe moved that the rules be suspended for the immediate consideration of **House Joint Resolution No. 998**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 998 -- General Assembly, Statement of Intent or Position -- Recognizes the seriousness of the affliction known as Reflex Sympathetic Dystrophy Syndrome and expresses support for programs to research, diagnose, or treat RSDS.

On motion of Senator Crowe, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 998** was concurred in.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 1

House Joint Resolution No. 1073 -- Memorials, Public Service -- Rose of Sharon's Senior Villa, Sharon's Adult Day Center.

House Joint Resolution No. 1074 -- Memorials, Recognition -- Lively Living Group Home.

House Joint Resolution No. 1075 -- Memorials, Recognition -- Elizabeth Wiggins.

House Joint Resolution No. 1080 -- Memorials, Interns -- Yvonda S. Higgins.

House Joint Resolution No. 1081 -- Memorials, Interns -- Mya Christine Stewart.

Senate Joint Resolution No. 945 -- Memorials, Academic Achievement -- James Logan Smith, Salutatorian, Cumberland County High School.

Senate Joint Resolution No. 946 -- Memorials, Academic Achievement -- Andrea Danielle Mahoney, Salutatorian, Coalfield High School.

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Senate Joint Resolution No. 947 -- Memorials, Academic Achievement -- Mary Beth Armes, Valedictorian, Coalfield High School.

Senate Joint Resolution No. 948 -- Memorials, Academic Achievement -- Brooke Nicole Jackson, Valedictorian, Coalfield High School.

Senate Joint Resolution No. 949 -- Memorials, Academic Achievement -- Heather Rae Gunter, Valedictorian, Central High School.

Senate Joint Resolution No. 950 -- Memorials, Academic Achievement -- Rachel Michelle Sexton, Salutatorian, Coalfield High School.

Senate Joint Resolution No. 951 -- Memorials, Academic Achievement -- Rachel Lee Daugherty, Valedictorian, Coalfield High School.

Senate Joint Resolution No. 952 -- Memorials, Academic Achievement -- Jessica Nicole Massengill, Valedictorian, Coalfield High School.

Senate Joint Resolution No. 953 -- Memorials, Academic Achievement -- Jonathan Davenport, Valedictorian, Hendersonville Christian Academy.

Senate Joint Resolution No. 954 -- Memorials, Academic Achievement -- Joshua Wooley, Salutatorian, Hendersonville Christian Academy.

Senate Joint Resolution No. 955 -- Memorials, Professional Achievement -- Sandra Bennett, President of Business and Professional Women of Nashville.

Senate Joint Resolution No. 956 -- Memorials, Academic Achievement -- Lacy McDonald, Valedictorian, Franklin County High School.

Senate Joint Resolution No. 957 -- Memorials, Academic Achievement -- Chasity Ann Jernigan, Valedictorian, Franklin County High School.

Senate Joint Resolution No. 958 -- Memorials, Academic Achievement -- Kelli Renee Yates, Valedictorian, Franklin County High School.

Senate Joint Resolution No. 959 -- Memorials, Academic Achievement -- Ginger Marie Warf, Valedictorian, Franklin County High School.

Senate Joint Resolution No. 960 -- Memorials, Academic Achievement -- Christan Crouch, Valedictorian, Franklin County High School.

Senate Joint Resolution No. 961 -- Memorials, Academic Achievement -- Holly Gallagher, Valedictorian, Franklin County High School.

Senate Joint Resolution No. 962 -- Memorials, Academic Achievement -- Annie Lee Amundson, Valedictorian, Franklin County High School.

Senate Joint Resolution No. 963 -- Memorials, Academic Achievement -- Coleton Ellington Bragg, Valedictorian, Franklin County High School.

Senate Joint Resolution No. 964 -- Memorials, Academic Achievement -- Lora Suzanne Girata, Valedictorian, Franklin County High School.

Senate Joint Resolution No. 965 -- Memorials, Academic Achievement -- Cameron Brown, Valedictorian, Franklin County High School.

Senate Joint Resolution No. 966 -- Memorials, Academic Achievement -- Honey Hubbard, Valedictorian, Franklin County High School.

Senate Joint Resolution No. 967 -- Memorials, Academic Achievement -- Chelsea Lynn Spaulding, Valedictorian, Franklin County High School.

Senate Joint Resolution No. 968 -- Memorials, Interns -- Jason A. Searles.

Senate Joint Resolution No. 969 -- Memorials, Public Service -- Jessica Crownover.

Senate Joint Resolution No. 970 -- Memorials, Death -- Captain Brent L. Morel.

Senate Joint Resolution No. 976 -- Memorials, Academic Achievement -- Monica Dodson, Valedictorian, Trezevant High School.

Senate Joint Resolution No. 977 -- Memorials, Academic Achievement -- Brandon Webb, Salutatorian, Trezevant High School.

Senate Joint Resolution No. 978 -- Memorials, Academic Achievement -- Dee Dee Dunnavant, Valedictorian, Friendship Christian School.

Senate Joint Resolution No. 979 -- Memorials, Academic Achievement -- Lindsey Smith, Salutatorian, Friendship Christian School.

Senate Joint Resolution No. 980 -- Memorials, Academic Achievement -- Seth H. Thurman, Salutatorian, Trousdale County High School.

Senate Joint Resolution No. 981 -- Memorials, Academic Achievement -- Jessica D. Ray, Valedictorian, Trousdale County High School.

Senate Joint Resolution No. 982 -- Memorials, Academic Achievement -- Ashley Stubblefield, Valedictorian, Macon County High School.

Senate Joint Resolution No. 983 -- Memorials, Academic Achievement -- Jeffery Thompson, Salutatorian, Macon County High School.

Senate Resolution No. 194 -- Memorials, Interns -- David Jarod Wilder.

Senator Crowe moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes 32
Noes 0

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Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 2

Objections having been raised, the following bill was placed at the heel of the calendar for Monday, April 26, 2004, pursuant to Rule 38: **Senate Bill No. 3337.**

Senate Bill No. 2106 -- Highway Signs -- "Arvil Armstrong Memorial Bridge", U.S. Highway 411 viaduct bridge in McMinn County.

On motion, Senate Bill No. 2106 was made to conform with **House Bill No. 2187.**

On motion, House Bill No. 2187, on same subject, was substituted for Senate Bill No. 2106.

Senate Bill No. 2207 -- Education -- Provides for notification to parents of student subgroups not making adequate yearly progress of option to transfer their children to another school in that system. Amends TCA Section 49-1-602.

Senate Bill No. 2408 -- Pensions and Retirement Benefits -- Makes various revisions to provisions governing optional retirement systems in institutions of higher education such as removing requirement that all optional investment products must be authorized by both the board of trustees of the University of Tennessee and of the board of regents after review and comment by the Tennessee consolidated retirement system before being available to their employees. Amends TCA Section 8-35-401.

On motion, Senate Bill No. 2408 was made to conform with **House Bill No. 2746.**

On motion, House Bill No. 2746, on same subject, was substituted for Senate Bill No. 2408.

Senate Bill No. 2443 -- Highway Signs -- "Admiral Fran McKee Memorial Bridge", Duck River, U.S. Highway 43 in Maury County.

On motion, Senate Bill No. 2443 was made to conform with **House Bill No. 2214.**

On motion, House Bill No. 2214, on same subject, was substituted for Senate Bill No. 2443.

Senate Bill No. 2657 -- Highway Signs -- "Big South Fork Parkway", S.R. 63 from U.S. 27 to I-75 in Scott and Campbell counties.

On motion, Senate Bill No. 2657 was made to conform with **House Bill No. 2563.**

On motion, House Bill No. 2563, on same subject, was substituted for Senate Bill No. 2657.

Senate Bill No. 2865 -- Highways, Roads and Bridges -- Designates a segment of U.S. 412 (State Route 20) as "Hearn's Lane".

On motion, Senate Bill No. 2865 was made to conform with **House Bill No. 2555**.

On motion, House Bill No. 2555, on same subject, was substituted for Senate Bill No. 2865.

Senate Bill No. 3105 -- Highway Signs -- "Veterans Memorial Highway", U.S. Highway 70 in White County, excluding City of Sparta.

On motion, Senate Bill No. 3105 was made to conform with **House Bill No. 2256**.

On motion, House Bill No. 2256, on same subject, was substituted for Senate Bill No. 3105.

Senate Bill No. 3106 -- Highway Signs -- "Raymond Shadden Memorial Highway", U.S. Highway 127 from downtown Crossville to Exit 317 on I-40.

On motion, Senate Bill No. 3106 was made to conform with **House Bill No. 2191**.

On motion, House Bill No. 2191, on same subject, was substituted for Senate Bill No. 3106.

Senate Bill No. 3151 -- Highway Signs -- "Nathan Odom Memorial Bridge", Sugar Creek on S.R. 166 in Maury County.

On motion, Senate Bill No. 3151 was made to conform with **House Bill No. 3097**.

On motion, House Bill No. 3097, on same subject, was substituted for Senate Bill No. 3151.

Senate Bill No. 3177 -- Hospitals and Health Care Facilities -- Permits health services and development agency to issue certificates of need for up to a total of five new beds in addition to those presently authorized for Medicare skilled nursing facility beds, provided that applicant is not certified for either Medicaid or Medicare programs. Amends TCA Title 68, Chapter 11, Part 16.

Senate Bill No. 3200 -- Highway Signs -- "Lawton Tarpley Bridge", U.S. 31-A over Richland Creek in Town of Cornersville, Marshall County.

On motion, Senate Bill No. 3200 was made to conform with **House Bill No. 3180**.

On motion, House Bill No. 3180, on same subject, was substituted for Senate Bill No. 3200.

Senate Bill No. 3359 -- Highway Signs -- "Van Riggins Memorial Highway", U.S. 79 in Stewart County.

Senate Bill No. 3360 -- Highway Signs -- Provides for erection of directional signs for Tennessee's Kentucky Lake Recreational Area and Scenic Tennessee River on I-40 in Benton and Humphreys counties.

Senator Crowe moved that all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

MOTION

Senator Crowe moved that Rule 19 be suspended for the purpose of considering the Message Calendar next, which motion prevailed.

SENATE MESSAGE CALENDAR

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 189 -- Labor -- Enacts "Equal Pay Remedies and Enforcement Act". Amends TCA Title 50, Chapter 2.

Senator Graves moved that the Senate refuse to recede from its action in adopting Senate Amendment No. 2 to **House Bill No. 189**, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2119 -- Alcoholic Beverages -- Authorizes Hunter Museum of American Art in Hamilton County to be licensed as a museum to sell alcoholic beverages for consumption on the premises; restrictions for sale at museums include no beverages sold during regular operating hours when open to general public except at restaurant located on premises or at special fund-raising events by invitation or where admission is charged. Amends TCA Section 57-4-102.

HOUSE AMENDMENT NO. 1

AMEND by deleting the word "and" at the end of subdivision (iv) of the amendatory language of Section 1; by adding the following language as a new subdivision (v) and redesignating the existing subdivision (v) of the printed bill as subdivision (vi):

(v) The museum does not discriminate against any patron on the basis of age, gender, race, religion or national origin; and

Senator Crutchfield moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2119**, which motion prevailed by the following vote:

Ayes	28
Noes	1

Senators voting aye were: Atchley, Bryson, Burchett, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Trail, Williams and Mr. Speaker Wilder--28.

Senator voting no was: Burks--1.

A motion to reconsider was tabled.

HOUSE AMENDMENT NO. 2

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 57-4-102(24), is amended by adding the following language as a new appropriately designated subdivision:

(_) A commercially operated facility which contains all of the following characteristics:

- (i) Such facility is licensed as a health club;
- (ii) Such facility only allows members and their invited guests;
- (iii) Such facility has two (2) swimming pools with one pool having at least 15,000 square feet of water surface;
- (iv) Such facility provides volleyball courts, a basketball court and a recreation area with food service;
- (v) Such facility is located within fifteen (15) miles of an airport; and
- (vi) Such facility is located within a county having a population of not less than three hundred eighty-two thousand (382,000) nor more than three hundred eighty-two thousand one hundred (382,100) according to the 2000 federal census or any subsequent federal census.

Senator Crutchfield moved that the Senate nonconcur in House Amendment No. 2 to **Senate Bill No. 2119**, which motion prevailed.

Senator Cohen moved that **Senate Bill No. 2139** be placed on the Message Calendar for Monday, April 26, 2004, which motion prevailed.

Senator McNally moved that **Senate Bill No. 2300** be placed at the heel of the Message Calendar for today, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2673 -- Traffic Safety -- Decreases distance person is not allowed to park or stop vehicle from fire hydrant from within 15 feet to within 7.5 feet. Amends TCA Section 55-8-160.

HOUSE AMENDMENT NO. 1

AMEND by deleting in its entirety Section 1 of the printed bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-8-160(a), is amended by deleting subdivision (4) in its entirety and by substituting instead the following:

(4) Within seven and one half feet (7.5') to fifteen feet (15') of a fire hydrant. An incorporated municipality shall determine and shall appropriately identify the distance from a fire hydrant to stop, stand or park a vehicle, provided that such distance conforms to the provisions of this subdivision.

Senator Burchett moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2673**, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

MR. SPEAKER WILDER RELINQUISHES CHAIR

Mr. Speaker Wilder relinquished the Chair to Senator Haynes as Speaker pro tempore.

Senator Ramsey moved that **Senate Bill No. 875**, as amended, be placed on the Message Calendar for Monday, April 26, 2004, which motion prevailed.

Senator Cooper moved that **Senate Bill No. 2329** be placed on the Message Calendar for Thursday, April 29, 2004, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2407 -- Pensions and Retirement Benefits -- Changes various provisions concerning TCRS, such as provisions governing service in superseded system and contributions. Amends TCA Sections 8-34-101(14)(B), 8-34-101(46)(B), 8-34-602(d), 8-35-401(a), 8-35-403, 8-35-404(d), 8-36-801, 8-36-802, 8-36-818; and Title 7 and Title 8, Chapter 35, Part 2.

HOUSE AMENDMENT NO. 1

AMEND by deleting the last sentence of the amendatory language of Section 10 and by substituting instead the following:

Subject to the provisions of §8-36-802(e), any such optional benefit previously elected shall be restored upon subsequent retirement.

Senator Atchley moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2407**, which motion prevailed by the following vote:

Ayes	28
Noes	0

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Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland and Williams--28.

A motion to reconsider was tabled.

Senator Harper moved that **Senate Bill No. 2557** lay on the desk, which motion prevailed.

Senator McNally moved that **Senate Bill No. 2300** be placed on the Message Calendar for Monday, April 26, 2004, which motion prevailed.

CALENDAR

Senate Bill No. 3246 -- Auditing -- Alters the method for determining whether a wastewater facility, utility district, or emergency communications district is operating at a deficit or is financially distressed. Amends TCA Sections 7-82-401, 7-82-703, and 7-86-304 and 68-221-1010.

On motion, Senate Bill No. 3246 was made to conform with **House Bill No. 3285**.

On motion, House Bill No. 3285, on same subject, was substituted for Senate Bill No. 3246.

On motion of Senator Kurita, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3285** passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

Senator Cooper moved that **Senate Bill No. 3300** be placed on the calendar for Thursday, May 6, 2004, which motion prevailed.

Senate Bill No. 2767 -- Purchasing -- Allows manufacturers of chemical products submitting a bid proposal or purchase order to maintain the required material safety data sheet (MSDS) on the manufacturer's Web site or a relevant trade association Web site rather than the MSDS-SEARCH Web site. Amends TCA Section 5-14-207; Section 6-56-307 and Section 12-3-217.

On motion, Senate Bill No. 2767 was made to conform with **House Bill No. 2619**.

On motion, House Bill No. 2619, on same subject, was substituted for Senate Bill No. 2767.

On motion of Senator Kurita, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2619** passed its third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--30.

A motion to reconsider was tabled.

Senator Trail moved that **Senate Bill No. 3336** be placed on the calendar for Thursday, April 29, 2004, which motion prevailed.

House Joint Resolution No. 815 -- General Assembly, Statement of Intent or Position -- Urges recognition of God and the exercise of religious freedom as a foundation of our state and national heritage.

House Joint Resolution No. 815 was concurred in by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

House Joint Resolution No. 835 -- Economic and Community Development, Dept. of -- Re-establishes Tennessee Main Street Program within Department of Economic and Community Development to assist downtown and central business districts in economic revitalization and development efforts.

On motion of Senator Kurita, Amendment No. 1 was withdrawn.

Thereupon, **House Joint Resolution No. 835** was concurred in by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

Senator Trail moved that **House Bill No. 1249**, as amended, be placed on the calendar for Thursday, April 29, 2004, which motion prevailed.

Senate Bill No. 596 -- Special License Plates -- Increases from three to five years period of moratorium for re-issuance of special license plates deemed obsolete and invalid; defines "a plate substantially the same in appearance or content" for purposes of moratorium.

Senator McLeary moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all of the language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-50-331(a), is amended by adding the following language at the end of the subsection:

Any county clerk so contracting with the department is authorized to charge an additional fee of four dollars (\$4.00), which shall be retained by the county clerk for administration costs.

SECTION 2. Tennessee Code Annotated, Section 55-50-331, is amended by adding the following as a new subsection:

(g) The department is urged to continue to seek alternative methods of contracting for the provision of any service related to the issuance, examination and renewal of driver licenses. The commissioner shall prepare a report on such alternative methods of contracting. The report shall address the usage of such contracts and the impact upon the driver stations in the region. The commissioner shall send such report to the Transportation Committees of the Senate and the House of Representatives no later than March 1, 2005.

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 596**, as amended, passed its third and final consideration by the following vote:

Ayes	26
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Trail and Mr. Speaker Wilder--26.

A motion to reconsider was tabled.

MOTION

Senator Herron moved that the rules be suspended for the introduction and immediate consideration of **Senate Resolution No. 204**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Resolution No. 204 by Senator Herron.
Memorials, Recognition -- Blake Campbell.

On motion of Senator Herron, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Resolution No. 204** was adopted by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

CALENDAR

Senate Bill No. 601 -- Health Care -- Grants immunity to certain health care professionals and practices and health care facilities from vicarious liability for acts or omissions of resident, intern or fellow.

Senator Norris declared Rule 13 on **Senate Bill No. 601**.

Senator Person moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-6-204, is amended by adding the following new subsection:

(g)(1) No medical faculty member shall be held by reason of his or her supervision of or control over, his or her right to supervise or exercise control over, or his or her relationship with any intern, resident, or fellow in a training program of a medical school, owned or operated by the State of Tennessee, to be liable for any act or omission of any such intern, resident, or fellow in the course of such intern's, resident's, or fellow's training program under the legal doctrine of respondeat superior, implied or apparent agency, ostensible agency, or any other theory of vicarious liability.

(2) No teaching practice shall be held by reason of its relationship with any medical faculty member to be liable for any act or omission of any intern, resident, or fellow in a training program of a medical school owned or operated by the State of Tennessee in the course of such intern's, resident's, or fellow's training program under the legal doctrine of respondeat superior, implied or apparent agency, ostensible agency, or any other theory of vicarious liability.

(3) Nothing in this subsection is intended, nor shall it be construed, to absolve from or in any way limit the liability of any such medical faculty member for his or her own acts or omissions, nor to absolve from or in any way limit the liability of any such teaching practice for the acts or omissions of its employees. This subsection affects only the vicarious liability of such faculty member or practice for the acts or omissions of interns, residents, and fellows.

(4) As used in this subsection:

(A) "Intern", "resident", or "fellow" means any person receiving instruction through and acting within the scope of a training program of a medical school owned or operated by the State of Tennessee and who, in such capacity, receives compensation payable by the State of Tennessee and is entitled to individual immunity as an employee of the State of Tennessee pursuant to § 9-8-307(h).

(B) "Medical faculty member" means any person having a current, valid letter of appointment to the faculty of a medical school owned or operated by the State of Tennessee, including but not limited to, any person licensed to practice medicine, osteopathy, or clinical psychology, whether volunteer or paid and whether full-time or part-time.

(C) "Teaching practice" means any professional group practice, sole proprietorship, partnership, corporation, limited liability company, or other public or private entity that employs a medical faculty member or through which a medical faculty member practices.

SECTION 2. Tennessee Code Annotated, Section 68-11-205, is amended by redesignating the language of subsection (c) as subsection "(d)", and by inserting the following new language, to be designated as subsection "(c)":

(c)(1) No teaching institution shall be held by reason of its supervision or control over, its right to supervise or exercise control over, or its relationship with any intern, resident, or fellow in a training program of a medical school owned or operated by the State of Tennessee, to be liable for any act or omission of any such intern, resident, or fellow in the course of such intern's, resident's, or fellow's training program under the legal doctrine of respondeat superior, implied or apparent agency, ostensible agency, or any other theory of vicarious liability.

(2) Nothing in this subsection is intended, nor shall it be construed, to absolve from or in any way limit any cause of action that may lie against any such teaching institution arising out of any act or omission of such institution other than in connection with its control over or relationship with such intern, resident, or fellow.

SECTION 3. Tennessee Code Annotated, Section 68-11-205(d), is amended by inserting the following new subdivisions:

() "Intern", "resident", or "fellow" means any person receiving instruction through and acting within the scope of a training program of a medical school owned or operated by the State of Tennessee and who, in such capacity, receives compensation payable by the State of Tennessee and is entitled to individual immunity as an employee of the State of Tennessee pursuant to § 9-8-307(h).

() "Teaching institution" means an ambulatory surgical treatment center, hospital, mental health hospital, or rehabilitation facility, operating within the scope of an affiliation agreement with any medical school owned or operated by the State of Tennessee, and shall further include, but not be limited to, any sole proprietorship, partnership, corporation, limited liability company, or other public or private entity that owns, controls, or is affiliated with any such institution.

SECTION 4. This act shall take effect July 1, 2004, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 601**, as amended, passed its third and final consideration by the following vote:

Ayes	25
Noes	1
Present, not voting . . .	2

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Cooper, Crutchfield, Ford, Fowler, Graves, Harper, Haynes, Henry, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland and Mr. Speaker Wilder--25.

Senator voting no was: Williams--1.

Senators present and not voting were: Herron and Trail--2.

A motion to reconsider was tabled.

House Bill No. 2823 -- Disabled Persons -- Authorizes issuance of additional handicapped placards upon payment of fee set by Department of Safety; authorizes fee for additional placards for deaf persons to be set by department. Amends TCA Title 55, Chapter 21; Title 55, Chapter 4 and Title 55, Chapter 8, as amended.

Senator Crutchfield declared Rule 13 on **House Bill No. 2823**, as amended.

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Senator Miller moved that the Senate reconsider its action in adopting Amendment No. 2 to House Bill No. 2823, as amended, which motion prevailed.

Senator Miller moved that Amendment No. 2 to House Bill No. 2823, as amended, be withdrawn, which motion prevailed.

Thereupon, **House Bill No. 2823**, as amended, passed its third and final consideration by the following vote:

Ayes	21
Noes	7
Present, not voting . . .	2

Senators voting aye were: Atchley, Bryson, Burchett, Clabough, Cooper, Ford, Fowler, Graves, Haynes, Henry, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Williams and Mr. Speaker Wilder--21.

Senators voting no were: Burks, Dixon, Harper, Herron, Jackson, Ketron and Trail--7.

Senators present and not voting were: Crutchfield and Kyle--2.

A motion to reconsider was tabled.

MOTION

Senator Crutchfield moved that the Proposed Schedule for the week of April 26, 2004, be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

**TENNESSEE STATE SENATE
103rd GENERAL ASSEMBLY**

**PROPOSED SCHEDULE
FOR THE WEEK OF APRIL 26, 2004**

MONDAY – April 26

5:00 p.m. Session – Senate Chamber

TUESDAY – April 27

8:30 a.m. – 10:30 a.m.	Finance, Ways & Means Committee
10:30 a.m. – 12:30 p.m.	State & Local Government Committee

THURSDAY, APRIL 22, 2004 – 83RD LEGISLATIVE DAY

12:30 p.m. – 1:30 p.m.	Lunch
1:30 p.m. – 3:30 p.m.	Commerce, Labor & Agriculture Committee
3:30 p.m. – 5:30 p.m.	Judiciary Committee

WEDNESDAY – April 28

8:30 a.m. – 10:30 a.m.	Education Committee
10:30 a.m. – 11:30 a.m.	General Welfare, Health & Human Resources
11:30 a.m. – 12:30 p.m.	Transportation Committee
12:30 p.m. – 1:30 p.m.	Lunch
1:30 p.m. – 5:30 p.m.	Finance, Ways & Means Committee
	No Floor Session

THURSDAY – April 29

8:00 a.m.	Republican Caucus
8:30 a.m. – 10:30 a.m.	Commerce, Labor & Agriculture Committee
10:30 a.m.	Session – Senate Chamber

OTHER MEETINGS:

Monday, April 26, 2004 –

TennCare Oversight Committee
2:00 p.m. – 4:00 p.m. – Room 16 LP
Rules Subcommittee
4:00 p.m. – Third Floor Conference Room WMB

Tuesday, April 27, 2004 –

Commerce, Labor & Agriculture Pre-Meeting
7:30 a.m. – Third Floor Conference Room WMB

NOTE: The Environment, Conservation & Tourism Committee and the Government Operations Committee meet again at the call of the chair.

CALENDAR

Senate Bill No. 850 -- General Assembly -- Directs attorney general to notify in writing each member of Senate and House Judiciary Committees concerning existence of certain circumstances. Amends TCA Section 8-6-109.

Senator Fowler moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the directory language of Section 3 of the printed bill and by substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 8-6-109(d), is amended by deleting the words "shall notify the director of the office of legal services" and by substituting instead the following:

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 850**, as amended, passed its third and final consideration by the following vote:

Ayes	28
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Clabough, Cooper, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

MR. SPEAKER WILDER RESUMES CHAIR

Mr. Speaker Wilder resumed the Chair.

Senate Bill No. 1002 -- Civil Procedure -- Requires creditors with real property interest to have actual notice by summons or by certified mail from any party attempting to impair or mitigate creditors interest in real estate by any judicial action. Amends TCA Title 16; Title 20; Title 26; Title 28; Title 29; Title 61; Title 66; Title 67 and Title 68.

Senator Person moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 66-14-102(a), is amended by deleting the word "registered" and by substituting instead the word "certified".

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Person moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting Section 1 and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 66-14-102(a), is amended by deleting the words "or by registered mail" and by substituting instead the following:

or by certified mail, return receipt requested,

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 1002**, as amended, passed its third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

MOTION

Senator Burchett moved that Rule 44 be suspended for the immediate consideration of **Senate Bill No. 2432**, out of order, which motion prevailed.

Senator Burchett moved to lift from the table a motion to reconsider on **Senate Bill No. 2432**, which motion prevailed.

Senator Burchett moved that the Senate reconsider its action in passing Senate Bill No. 2432, which motion prevailed.

On motion, Senate Bill No. 2432 was made to conform with **House Bill No. 2275**.

On motion, House Bill No. 2275, on same subject, was substituted for Senate Bill No. 2432.

Senator Haynes moved to amend as follows:

AMENDMENT NO. 1

AMEND by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 62-35-103(a), is amended by adding the following new subdivision:

(15) A company using or providing certified law enforcement officers to others exclusively for traffic control purposes within temporary work zones located in the public right-of-way and established in accordance with the manual on uniform traffic control devices (MUTCD); provided, however, any department providing the law enforcement officers may require the company to have on staff a traffic control supervisor or a traffic engineer in order to insure compliance with the MUTCD and may also require the company to demonstrate proof of liability insurance.

SECTION _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 2275**, as amended, was passed on third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

CALENDAR

Senate Bill No. 1337 -- Taxes, Real Property -- Provides for program for certain elderly property owners to transfer their homes to state board of equalization to avoid increases in local property taxation. Amends TCA Title 67, Chapter 5.

Senator Henry moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the words "Any citizen" in amendatory § 67-5-1515(b) of Section 1 of the bill and substituting instead the following new language:

In any county having a population greater than eight hundred ninety thousand (890,000) according to the 2000 federal census or any subsequent federal census, any citizen

AND FURTHER AMEND by deleting § 67-5-1515(c) of Section 1 of the bill in its entirety and by substituting instead the following:

(c) The Shelby County Clerk shall charge each applicant an annual fee in sufficient amount to offset the administrative costs of this section and fees shall be proportionate to the value of the senior citizen's property

AND FURTHER AMEND by deleting in Section 1 of the bill the words "state board of equalization" wherever they appear and substituting instead the words "Shelby County Clerk".

On motion, Amendment No. 1 was adopted.

Senator Henry moved to amend as follows:

AMENDMENT NO. 2

AMEND by inserting in amendatory language of Section 1 immediately following the language "the option may be exercised at any time during this period.", the following new sentence:

If the applicant does not exercise the option to repurchase and the property is held during the entire term of the lease, the property shall revert to the applicant or his or her heirs at the end of the lease term.

On motion, Amendment No. 2 was adopted.

Senator Henry moved to amend as follows:

AMENDMENT NO. 3

AMEND by adding the following new section, to be appropriately designated:

SECTION ____ The provisions of this act shall have no application in any county unless the county legislative body votes by a two-thirds (2/3) majority of its membership to adopt the provisions of this act.

On motion, Amendment No. 3 was adopted.

Thereupon, **Senate Bill No. 1337**, as amended, passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

Senator Norris moved that **Senate Joint Resolution No. 71** be considered next, out of order, which motion prevailed.

Senate Joint Resolution No. 71 -- Constitutional Amendments -- Amends Article II, Section 28, of Tennessee Constitution to provide property tax relief for senior citizens.

Senator Person moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the first resolving clause and by substituting instead the following:

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED THIRD GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that a majority of all the members of each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed that Article II, Section 28, of the Constitution of the State of Tennessee be amended by inserting the following language immediately after the fourth paragraph:

By general law, the legislature may authorize the following program of tax relief:

(a) The legislative body of any county or municipality may provide by resolution or ordinance that:

(1) Any taxpayer who is sixty-five (65) years of age or older and who owns residential property as the taxpayer's principal place of residence shall pay taxes on such property in an amount not to exceed the maximum amount of tax on such property imposed in the 2006 tax year;

(2) Any taxpayer who reaches the age of sixty-five (65) after January 1, 2007, who owns residential property as the taxpayer's principal place of residence shall thereafter pay taxes on such property in an amount not to exceed the maximum amount of tax on such property imposed in the tax year in which such taxpayer reaches age sixty-five (65); and

(3) Any taxpayer who is sixty-five (65) years of age or older who purchases residential property as the taxpayer's principal place of residence after the taxpayer's sixty-fifth birthday shall pay taxes in an amount not to exceed the maximum amount of tax imposed on such property in the tax year in which such property is purchased.

(b) Whenever the full market value of such property is increased as a result of improvements to such property after January 1, 2007, then the assessed value of such property shall be adjusted to include such increased value and the taxes shall also be increased proportionally with the value.

(c) Any taxpayer or taxpayers who own residential property as their principal place of residence whose total or combined annual income exceeds an amount to be determined by the general assembly shall not be eligible to receive the tax relief provided in subsection (a) or (b).

On motion, Amendment No. 1 was adopted.

Senator Henry moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding a new resolving clause, as follows:

BE IT FURTHER RESOLVED, that this resolution shall have no effect unless an appropriation for the estimated cost of the resolution is made in the session in which it receives final passage.

On motion, Amendment No. 2 was adopted.

Senator Norris moved to amend as follows:

AMENDMENT NO. 3

AMEND in amendatory subdivision (a)(1) of the first resolving clause, as amended, by deleting the language "in the 2006 tax year" and by substituting instead the language "at the time the ordinance or resolution is adopted".

AND FURTHER AMEND in amendatory subdivision (a)(2) and subsection (b) of the first resolving clause, as amended, by deleting the language "January 1, 2007" in both instances and by substituting the language "the time the ordinance or resolution is adopted".

On motion, Amendment No. 3 was adopted.

Senator Norris moved to amend as follows:

AMENDMENT NO. 4

AMEND in amendatory subsection (c), as amended, by adding the language ", or wealth," between the words "total or combined annual income" and the words "exceeds as an amount to be determined".

On motion, Amendment No. 4 was adopted.

Senator Norris moved that the Clerk read the resolution, as amended, which motion prevailed.

The Clerk read the resolution, as amended.

Thereupon, Mr. Speaker Wilder declared pursuant to Article XI, Section 3 **Senate Joint Resolution No. 71**, as amended, had been read.

Senate Bill No. 2180 -- Public Records -- Authorizes registration of copy of writing eligible for retention as an electronic record, in lieu of original, if copy is certified by custodian of electronic record; county register may specify whether copy to be registered must be in paper or electronic form. Amends TCA Section 66-24-101.

Senator Fowler moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 66-24-101, is hereby amended by adding the following new subsection (c):

(c) If any writing otherwise eligible for registration under subsection (a) is created and retained as an electronic record in accordance with § 47-10-112, then a copy of such writing, in lieu of the original, may be registered under this section; provided that such copy is certified by a licensed attorney or title agent that such copy is a true and accurate copy of the original and the signature of such attorney or agent is notarized. The county register may specify whether the copy to be registered shall be in paper or electronic form.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2180**, as amended, passed its third and final consideration by the following vote:

Ayes	28
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

Senator Haynes moved that **Senate Bill No. 2391** be placed on the calendar for Thursday, April 29, 2004, which motion prevailed.

Mr. Speaker Wilder moved that **Senate Bill No. 3099** be placed on the calendar for Monday, April 26, 2004, which motion prevailed.

RECALL OF BILL

On motion of Senator Williams, **Senate Bill No. 529** was recalled from the Committee on Transportation.

REFERRAL

Senator Williams moved that Senate Bill No. 529 be rereferred to the Committee on Commerce, Labor and Agriculture, which motion prevailed.

NOTICE

MESSAGE FROM THE HOUSE

April 15, 2004

MR. SPEAKER: I am directed to return House Bill No. 2813. The House refused to recede from its action in nonconcurring in Senate Amendment No. 1. The Speaker appointed a Conference Committee composed of Representatives Head, Brenda Turner, Russell Johnson, Kent and Coleman to confer with a like committee to resolve the differences between the two Bodies.

BURNEY T. DURHAM,
Chief Clerk.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 2813 -- Tennessee Bureau of Investigation -- Authorizes the Department of Children's Services to request that a criminal justice agency conduct a name-based criminal history check on adult residents of the home in which a child is placed during an emergency situation and requires the TBI to positively identify the residents by fingerprint analysis. Amends TCA Section 37-2-415.

Senator Trail moved that the Speaker appoint a Conference Committee to meet with a like committee from the House to resolve the differences between the two Bodies on **House Bill No. 2813**, which motion prevailed.

APPOINTMENT OF SELECT COMMITTEE
CONFERENCE COMMITTEE
ON
HOUSE BILL NO. 2813, AS AMENDED

The Speaker announced the appointment of a Conference Committee composed of Senators Trail, Chairperson; Jackson, Ketron, Kilby and Southerland to confer with a like committee from the House to resolve the differences of the two Bodies on House Bill No. 2813, as amended.

MOTION

On motion of Senator Crowe, his name was added as sponsor of **House Joint Resolutions Nos. 1031, 1067 and 1068**.

On motion of Senator Cooper, his name was added as prime sponsor of **Senate Bills Nos. 529 and 1263**.

On motion of Senator Trail, his name was added as sponsor of **Senate Bill No. 3424 and House Joint Resolution No. 835**.

On motion of Senator McLeary, his name was added as sponsor of **Senate Bill No. 2520**.

On motion of Senator Person, his name was added as sponsor of **Senate Bill No. 3208**.

On motion Mr. Speaker Wilder, his name was added as sponsor of **House Joint Resolution No. 1089**.

On motion of Senator Graves, her name was added as sponsor of **House Joint Resolution No. 835**.

On motion, all Senators' names were added as sponsors of **Senate Joint Resolutions Nos. 968 and 969; Senate Resolution No. 194; and Senate Bill No. 3106**.

On motion of Senators Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder, their names were added as sponsors of **House Joint Resolution No. 815**.

On motion of Senator Dixon, his name was added as sponsor of **Senate Bill No. 596**.

On motion of Senator Clabough, his name was added as sponsor of **Senate Bill No. 601**.

On motion of Senators Cohen, Dixon, Ford, Kyle, Norris and Person, their names were added as sponsors of **Senate Bill No. 1337**.

On motion of Senators Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder, their names were added as sponsors of **Senate Joint Resolution No. 71**.

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On motion of Senator Cooper, his name was added as prime sponsor of **Senate Bill No. 3430**.

On motion of Senator Kilby, his name was removed as sponsor of **Senate Bill No. 3430**.

On motion of Senator Crutchfield, his name was added as sponsor of **House Joint Resolutions Nos. 1073 and 1074**.

On motion of Senator McNally, his name was added as sponsor of **Senate Bill No. 3242**.

On motion of Senator Burks, her name was added as sponsor of **House Joint Resolution No. 835 and Senate Bill No. 596**.

On motion of Senator Kurita, her name was added as sponsor of **Senate Bill No. 3397**.

On motion of Senator Harper, her name was added as sponsor of **Senate Bill No. 3105**.

On motion of Senator Miller, his name was added as sponsor of **Senate Bill No. 3392**.

On motion of Senator Bryson, his name was added as sponsor of **Senate Bill No. 2922**.

On motion of Senator Cooper, his name was added as sponsor of **Senate Bill No. 3236**.

On motion of Senator Kyle, his name was added as prime sponsor of **Senate Bill No. 126**.

On motion of Senator Graves, her name was added as prime sponsor of **Senate Joint Resolution No. 969**.

ENGROSSED BILLS

April 22, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 596, 601, 650, 1002, 1337, 2180, 2207, 3177, 3359 and 3360; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

April 22, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 976, 977, 978, 979, 980, 981, 982 and 983; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

April 21, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 164, 2517, 2656, 2781, 2845, 3338, 3346 and 3363; passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 22, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 3484, passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 21, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 1071, 1085, 1086, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104 and 1113; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 21, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 816, adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 22, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 1087, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1114, 1115, 1116, 1117, 1118 and 1119; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 21, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2097 and 3458, substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 21, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2674, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 21, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2713, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 22, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3046, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 22, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3398, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 21, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 882, concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 21, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 737, 939, 940, 941, 942, 944 and 993; concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

ENROLLED BILLS

April 21, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 737, 939, 940, 941, 942, 944 and 993; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENROLLED BILLS

April 22, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolutions Nos. 194, 197, 203 and 204; and Senate Joint Resolution No. 882; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

April 22, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 1089, for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 22, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 857, 2258, 2459, 2464, 2901, 2975, 3515, 3577, 3587 and 3588; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 22, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 815, 835, 1073, 1074, 1075, 1080, 1081 and 1113; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

April 21, 2004

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 737, 939, 940, 941, 942, 944 and 993.

SIGNED

April 22, 2004

The Speaker announced that he had signed the following: House Joint Resolution No. 1089.

SIGNED

April 22, 2004

The Speaker announced that he had signed the following: Senate Resolutions Nos. 194, 197, 203 and 204; and Senate Joint Resolution No. 882.

SIGNED

April 22, 2004

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 815, 835, 1073, 1074, 1075, 1080, 1081 and 1113.

MESSAGE FROM THE HOUSE

April 21, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 737, 939, 940, 941, 942, 944 and 993; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 22, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 882, signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 22, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 737, 939, 940, 941, 942, 944 and 993; for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 22, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolution No. 882, for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

April 22, 2004

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 17, 560, 771, 1742, 2095, 2317, 2434, 2663, 2694, 2737, 2853, 2986, 3018, 3133, 3187, 3214, 3280, 3381, 3384, 3388, 3389, 3421 and 3452; and Senate Joint Resolutions Nos. 737, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 937, 938, 939, 940, 941, 942, 944, 972, 973, 974, 984, 993 and 994; with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

April 23, 2004

MR. SPEAKER: I am directed by the Governor to return herewith Senate Joint Resolution No. 882, with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, April 26, 2004: House Joint Resolutions Nos. 1082, 1083, 1085, 1086, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103 and 1104; Senate Joint Resolutions Nos. 985, 986, 987, 988, 989, 990, 991, 992, 995, 997, 998, 999, 1000, 1001, 1002, 1003, 1005, 1006, 1007, 1008, 1009, 1010, 1011 and 1012; and Senate Resolutions Nos. 195 and 196.

This the 22nd day of April, 2004.
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, April 26, 2004: Senate Bills Nos. 2238, 2560, 3120, 3197, 3285 and 3496.

This the 22nd day of April, 2004.
CROWE, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, April 26, 2004: Senate Joint Resolution No. 71;

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Senate Bills Nos. 3242 and 3397; House Bill No. 2719; and Senate Bills Nos. 3136, 243, 2223, 2242, 2364, 2840, 2846, 2868, 2897, 3226, 3235, 3287, 3316, 3468, 1892, 2764, 3099 and 3337.

This the 22nd day of April, 2004.
CROWE, Chairperson.

**SENATE
MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bills and they have been set on the Message Calendar for Monday, April 26, 2004: Senate Bills Nos. 875, 2139, 2162, 2300, 2524, 2596, 3029, 3340, 3400 and 3403.

ADJOURNMENT

Senator Atchley moved the Senate adjourn until 5:00 p.m., Monday, April 26, 2004, which motion prevailed.